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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,965	07/13/2001	Lisa Steury	40655.2200	3802

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EXAMINER

MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,965

Applicant(s)

STEURY ET AL.

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9, 17-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are non-statutory because they lack sufficient nexus with an enabling technological element. While it is noted that methods stated to be computer implemented in the preamble, no method steps positively recite the computer to “breath meaning” into its recitation in the preamble.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 10-13, 16, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Iyengar et al (6,360,205).

Iyengar et al show receiving data comprising passenger name record data from an automated billing system since the billing system sends a data record associated with the passenger name; establishing a user profile having payment information; determining at least one fee (e.g., Fig. 18) using the data and based on the profile; and charging the fee to an account comprising the account in the user profile.

As to claim 2, and 13, it is noted that the billing system is a computer reservation system.

As to claim 5 and 16, it is noted that Iyengar et al show providing periodic reports.

As to claim 6, Iyengar et al show formatting the data and providing it to the computer reservation system.

As to claim 11 and 12, it is noted that Iyengar et al show means for performing all steps.

As to claims 23 and 24, Iyengar et al show providing user information including an account for billing; conducting a transaction with a merchant comprising buying a ticket; receiving a billing statement including separate fee charged for the transaction based upon the user profile information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 14, 15, 18, 19, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyengar et al in view of Loeb et al (6,360,209).

Iyengar et al show all elements of the claims except providing an enhanced descriptive billing statement and fee reconciling information. Loeb et al show providing enhanced descriptive billing wherein individual charged entries are described to provide for reconciliation to a larger transaction. It would have been obvious to one of ordinary skill in the art to modify the method of Iyengar et al by providing such information in order to reduce customer inquiries.

Claims 9, and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Iyengar et al.

As to claim 9, Iyengar et al show all elements of the claim except charging for the use of the method. However, it is notoriously old and well known in the art to do so. It would have been obvious to one of ordinary skill in the art to charge for the use of the method in order to enhance revenues.

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As to claim 25, lyengar et al show all elements of the claims except that the transaction is for emergency travel service assistance. However, it is notoriously old and well known in the art to purchase emergency travel service assistance. It would have been obvious to one of ordinary skill in the art to purchase emergency travel assistance in order to meet unexpected circumstances.

Additionally, the transaction of buying a ticket, as taught by lyengar et al can be in itself emergency travel service assistance, as broadly claimed, for instance if one had to book a flight to visit suddenly and gravely ill loved one.

Claims 17, 21 and 22 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over lyengar et al.

lyengar et al show receiving passenger name record data comprising data received from the reservation sytem and having the passenger's name from an accounting system configured to receive the data from the computer reservation system; receiving a user profile; comparing the passenger name record data to the user profile to determine a fee to be charged since it is necessary to determine the account to be charged; and charging the fee associated with the user profile.

Alternatively, lyengar et al show receiving passenger name record data comprising data received from the reservation sytem and having the passenger's name from an accounting system configured to receive the data from the computer reservation system; receiving a user profile; comparing the passenger name record data to a stored data file to determine the fee to be charged; and charging the fee associated

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with the user profile. Iyengar et al do not explicitly show that the data compared is located in the user profile. However, it is notoriously old and well known in the art to provide fee data in association with the user. It would have been obvious to one of ordinary skill in the art to modify the method of Iyengar et al by associating fee data with the user profile in order to provide for different fees for different customers (for instance smaller fees for large volume corporate customers).

As to claim 20, Iyengar et al show all elements except charging the fee to a different account than the account used for the cost of the purchase. However, it is notoriously old and well known in the art to charge different items to different accounts. It would have been obvious to one of ordinary skill in the art to do so in order to provide the user additional flexibility.

As to claim 21, Iyengar et al show providing data to a management information system; and providing at least some passenger name record data to the management information system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven B. McAllister